

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**117**

**CM-2289-2021 &  
LPA-967-2021**

**Date of decision: 02.11.2021**

**SONIA DEVI AND ANOTHER**

**...APPELLANTS**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Robin Singh Hooda, Advocate,  
for the appellants.

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**AUGUSTINE GEORGE MASIH, J.**  
**CM-2289-2021**

Challenge in this appeal is to the order dated 29.08.2019 passed by the learned Single Judge dismissing the writ petition preferred by the appellants wherein they had claimed consideration of their candidature under the Economically Backward Persons in General Category (EBPGC) in view of the Govt. Notifications issued on 23.01.2013 and 27.09.2013 as they were possessing the EBPGC certificate issued by the competent authority. Their claim was rejected by the learned Single Judge on the ground that the Government of Haryana had withdrawn the Special Backward Class reservation for the Economically Backward Persons in General Category (EBPGC) and converted those posts into general category after having given an undertaking in this Court in a

pending writ petition. The claim of the appellants was, therefore, rejected being not available to them as the said reservation for the claimed category stood withdrawn.

This appeal has been filed along with an application for condonation of delay of 740 days in filing the appeal. The reason and the explanation, which has been given by the appellants for the inordinate delay, is mentioned in para-2 of the application which reads as follows:-

“ That the present writ petition was dismissed on 29.08.2019 and the appellants were trying to file the appeal but there was slight delay in filing the appeal and thereafter lockdown was imposed with effect from 23.03.2020 and hence the appeal could not be filed thereafter. Now there are some improvements in covid situation and the appellants are filing the present appeal after a delay of 740 days.”

A perusal of the above would show that no explanation whatsoever has been put forth by the appellants for the delay which has occurred in filing the appeal. As a settled principle of law, delay of each day is required to be explained but here, nothing has been mentioned by the appellants worth consideration.

In the present case, there is an inordinate delay of more than two years in filing the present appeal which is totally unexplained and the appellants have simply mentioned that it was neither intentional nor mala-fide but this Court finds it to be a case of total negligence and in-action on the part of the appellants who had accepted the fait accompli and have woken up after a hibernation of more than two years which cannot be accepted. There being inordinate and unexplained delay on the part of the

appellants in filing the present appeal and that too, without any explanation, we dismiss the application for condonation of delay in filing the appeal.

**LPA-967-2021**

In the light of the dismissal of the application for condonation of delay, the present appeal is dismissed as time barred.

**(AUGUSTINE GEORGE MASIH)  
JUDGE**

**(SANDEEP MOUDGIL)  
JUDGE**

**November 02, 2021**  
pj

**Whether speaking/reasoned: Yes/No**

**Whether Reportable: Yes/No**